

REMARKS/ARGUMENTS

Claims 1-8 stand in the present application, claim 1 having been amended to more clearly define Applicants' invention. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claim 1 on the grounds of non-statutory double patenting over claims 1 and 4 of U.S. Patent Publication No. 2005/0271069 (U.S. Application 10/522,711). Applicants respectfully traverse the Examiner's double patenting rejection of claim 1.

The Examiner alleges that present claim 1 is obvious for double patenting over claim 4 of US2005/0271069 (US Application 10/522,711). However, claims 1 and 4 of US2005/0271069 do not require sorting the request data in terms of queue length, as is required by present claim 1. The claims of US2005/0271069 are concerned with reducing all the queued requests by a given factor, not sorting them into order. Accordingly, it is respectfully submitted that the Examiner's double patenting rejection is in error and that it should be withdrawn.

The Examiner has also rejected claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by Hill. Applicants respectfully traverse the Examiner's § 102 rejection of the claims.

The Examiner alleges that Hill at page 4, lines 17-22 describes the claimed process of present claim 1 in which the request queues are sorted in order of length and then allocated in length order. See the example described on page 10 of the present specification. However, Hill does not teach or suggest sorting the queues by length, nor of any specific order in which the queues are considered for allocating slots in

accordance with those requests. The Examiner's cited passage of Hill merely discloses that the number of requests are reduced to a point at which the remaining ones can be allocated.

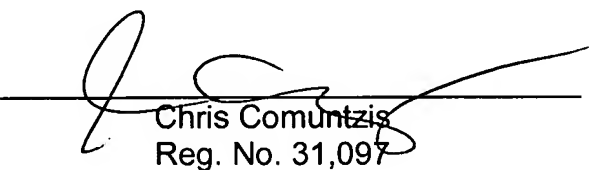
Since Hill makes no mention of sorting the data requests by queue length or of determining in what order the individual queues are to be considered, as required by present claim 1, all of present claims 1-8 are believed to patentably define over the cited reference.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-8, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

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